



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



G. Rule

March 17, 2003

**CERTIFIED MAIL**

**# 7099 3400 0002 9774 1716**

**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Ferrotec (USA) Corporation  
40 Simon Street  
Nashua, New Hampshire 03060-3075

Attn: Mr. Richard Cesati, President

**Re: Ferrotec (USA) Corporation  
Nashua, New Hampshire  
EPA ID # NHD049417207**

Dear Mr. Cesati:

On October 22, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Ferrotec (USA) Corporation (Ferrotec). The purpose of the inspection was to determine Ferrotec's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

**Env-Wm 509.02(a)(2) – Personnel Training**

A review of Ferrotec's personnel training program revealed the following deficiencies

- (a) All Primary and Secondary Emergency Coordinators, including Philip Gilbreth and Robert Otey, had not received hazardous waste training or taken part in annual reviews.
- (b) Training records provided to DES at the time of the inspection failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that annual reviews are conducted for personnel handling hazardous waste. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requested that Ferrotec conduct and document hazardous waste training and annual reviews for all emergency coordinators. DES also requested that Ferrotec maintain a written personnel training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position. Furthermore, DES requested that Ferrotec correct any deficiencies as identified in the enclosed Hazardous Waste Generator Inspection Report. Please submit a copy of this personnel training program to DES.

*In an October 28, 2002 submittal from Mr. Philip Gilbreth, documentation was provided exhibiting that Ferrotec's emergency coordinators will be trained in hazardous waste management on Friday, November 22, 2002. In subsequent submittals dated November 26, 2002 and December 18, 2002, Mr. Philip Gilbreth provided documentation substantiating that emergency coordinators had received hazardous waste training on November 11, 2002. No further action is required.*

*The October 28, 2002 Ferrotec submittal also provided a written facility personnel training program that included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position. No further action is required.*

2. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Ferrotec's contingency plan revealed deficiencies regarding the following

- (a) The emergency coordinator's home and office phone numbers;
- (b) A physical description and a brief outline of the capabilities of emergency equipment items documented in the plan;
- (c) Provisions to take all reasonable measures to ensure that fires, or releases of hazardous waste will not spread (e.g., by halting operations);
- (d) The methods for monitoring facility equipment if there is a work stoppage;
- (e) Procedures for providing treatment, storage or disposal of hazardous waste resulting from an emergency;

- (f) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored, or disposed of until cleanup procedures are completed;  
  
Procedures for providing that all equipment has been cleaned and is fit before resumption of operations;
- (h) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities; and
- (i) The facility contingency plan did not list the specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Ferrotec revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist.

*In an October 28, 2002 submittal from Mr. Philip Gilbreth, documentation was provided that substantiates facility compliance with DES's Contingency Plan requirements. No further action is required.*

3. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, Ferrotec did not have complete emergency postings at the nearest telephone to the hazardous waste storage areas (Solvent Room and High Bay Areas).

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);

The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requested that Ferrotec post the required information at the nearest telephone to the Solvent Room and High Bay hazardous waste storage areas.

*In an October 28, 2002 submittal from Mr. Philip Gilbreth, documentation was provided that substantiates facility compliance with this emergency posting requirement. No further action is required.*

4. Env-Wm 509.03(b) – Satellite Storage Training

A review of Ferrotec's personnel training program revealed that all employees responsible for the management of hazardous waste satellite containers, including David Leonard, Clayton Seace, Alan Michaud, Gerard Duval, Edward Hamel, Dana Thibeault, Susan Roy, Paul Bouley, and Donald Fortin, had not received hazardous waste training.

Env-Wm 509.03(b), which references Env-Wm 509.02(a)(2) and 40 CFR 265.16, Personnel Training, requires full quantity generators to ensure that employees responsible for the management of hazardous waste satellite containers receive hazardous waste training. The hazardous waste training interval shall be every 3-years after the date of initial training.

DES requested that Ferrotec conduct and document hazardous waste training and 3-year reviews for all employees responsible for the management of hazardous waste satellite containers.

*In two submittals, dated November 26, 2002 and December 18, 2002, Mr. Philip Gilbreth provided documentation substantiating that employees responsible for managing hazardous waste satellite containers had received hazardous waste training. No further action is required.*

5 Env-Wm 509.03(g) – Satellite Storage Container Marking

During the inspection of the facility's Fluid Lab Area, the two (2) 55-gallon satellite storage containers of hazardous waste "Heptane" and "Acetone" were not marked with words that identify the contents of the container.

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste" and words that identify the contents of the container.

DES requested that Ferrotec properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with words that identify the contents of the container.

*At the time of the inspection, Mr. Philip Gilbreth marked the two (2) satellite storage containers of hazardous waste "Heptane" and "Acetone" with words to identify their contents. No further action is required.*

6. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, Ferrotec had not performed an adequate used oil determination for the "Used Machine Oil". Specifically, a determination was not conducted at the point of generation and prior to subsequent mixing with the facility's "K-41 Waste Water" and "Waste Acetone/Heptane Still Bottoms".

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requested that Ferrotec conduct an initial used oil determination for the "Used Machine Oil" using parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Ferrotec should provide the results of the used oil determination to DES.

*In an October 28, 2002 submittal from Mr. Philip Gilbreth, a chain-of-custody was provided substantiating that a sample of the facility "Used Machine Oil" was collected for analysis on October 25, 2002. In a subsequent November 26, 2002 submittal, Mr. Philip Gilbreth also provided the analytical documentation substantiating that the used oil determination had been completed for the "Used Machine Oil". Furthermore, due to a flashpoint of 69 degrees Fahrenheit, the "Used Machine Oil" was characterized as a D001 hazardous waste. No further action is required.*

The October 22, 2002 inspection revealed that Ferrotec generates contaminated wipers from the cleaning of machined products. According to facility representatives, the wipers are collected for laundering by an outside contractor (Unifirst). Inspectors observed Ferrotec's storage of contaminated wipers in several collection containers located in the Machine Shop Area. At the time of the inspection, the collection containers were closed; however, all containers were not marked with the words "Contaminated Wipers for Laundering." Be advised that contaminated wipers, generated by Ferrotec, are subject to the DES "Contaminated Cloth Wipers for Laundering" Fact Sheet (WMD-HW-6) provided during the inspection. However, a portion of the before-mentioned management practices are inconsistent with the established policy. Therefore, DES requested that Ferrotec amend the current contaminated wiper management and storage practices to establish full compliance.

*The October 28, 2002 Ferrotec submittal provided documentation substantiating that containers of "Contaminated Wipers for Laundering" were properly marked in compliance with DES's policy. No further action is required.*

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Ferrotec to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/NOPV/RPB/Archives  
Philip J. O'Brien, Ph.D., P.G., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
Bruce Bowler, Facilities Supervisor, Ferrotec  
Philip J. Gilbreth, Production Manager, Ferrotec

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Modules